21.9.2007 Present: Mr. Bimal Gupta, Advocate with
Balbir Singh, JD, Smt.Malka and Sanjay Kumar
In person.

Mr. Sanjiv Kuthiala, Advocate with Mr. Lajja Ram. DH, in person.

CR No. 397 of 2002.

Statements of the parties recorded.

Keeping in view the fact that Balbir Singh petitioner and Lajja Ram respondent are real brothers. I had called the parties. Petitioner as well his wife and son who are proforma respondents 2 & 3 respectively have filed their affidavits in court today admitting that the respondent No.1 Lajja Ram is the owner in possession of the land measuring khasra No. No.117/1, 183/1,183/1/5, 188/1/1 and 196/18/2, total measuring 12-8 bighas Mauja Khajurana, Tehsil Nahan, District Sirmaur, HP. They have stated that they shall not interfere in his possession and shall be abide by the decree passed by the learned Senior Judge, Nahan dated 4.9.1999.

Respondent No.1 Lajja Ram has admitted that petitioner Balbir Singh is his brother and proforma respondents No.2 and 3 are his sister-in-law and nephew, respectively, and with a view to maintain harmony between the family, he does not press the execution petition.

The judgment debtor/ respondent No.1 has admitted that he is not in possession of the land in dispute and has also given an undertaking that he shall not

interfere in the land in dispute which is in possession of respondent No.1.

In view of the aforesaid statements and compromise entered into between the parties the revision petition is allowed and the order passed by the learned Senior Sub Judge, Nahan in Execution petition No. 29/10 of 2000 is set aside. In view of the statement of the petitioner, the execution is dismissed as withdrawn.

In case despite the aforesaid undertakings, the petitioner or his family members interfere in the possession of the decree holder/respondent, the decree-holder/respondent shall be entitled to file a fresh execution petition. Any violation of the undertakings shall be deemed to be Contempt of Court.

September 21, 2007. (Deepak Gupta), J.

s.